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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/855,547      | 05/16/2001  | Ryoichi Sato         | 914-129             | 9740             |

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EXAMINER

PILLAI, NAMITHA

ART UNIT PAPER NUMBER

2173

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/855,547 | <b>Applicant(s)</b><br>SATO ET AL. |  |
|                              | <b>Examiner</b><br>Namitha Pillai    | <b>Art Unit</b><br>2173            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-9, 11-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11-15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Examiner acknowledges Applicant's submission on 9/14/05, where new claims 19-22 were added. All pending claims have been rejected as being previously disclosed in prior art.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 19 is rejected for reciting the limitations "the external appliance" and "the appliance" in reference to an appliance that is being controlled. There is insufficient antecedent basis for this limitation in the claim. It is not clear whether "the external appliance" and "the appliance" are referring to the "audio/visual appliance" or are two additional appliances.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1-3, 7-9 and 13-15<sup>19-22</sup>, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S. Patent No. 6, 369, 821 B2 (Merrill et al.), herein referred to as Merrill. RB

Referring to claim 1, Merrill discloses an agent display apparatus displaying a personified agent for making the agent electively perform a process (column 2, lines 7-13). Merrill discloses a first interface controlling display of the agent and inputting a request from a user (column 2, lines 39-42). Merrill discloses a second interface controlling an application program (column 5, lines 39-42). Merrill discloses an action script storing portion storing an action script describing a procedure of controlling the first interface and second interface (column 22, lines 22-28). Merrill discloses a searching portion searching in the action script storing portion for the action script searching portion searching for the action script (column 27, lines 56-60). Merrill discloses that this is in accordance with the request input from the first interface, the action script searched for following the described procedure and first interface controlling display of the agent to start the application program (column 27, lines 56-60). Merrill discloses an executing portion executing to control the application program through the second interface (column 22, lines 26-30).

Referring to claims 2, 8 and 14, Merrill discloses that the executing portion includes a demonstrating portion controlling the first interface and making the agent demonstrate an operation procedure (column 22, lines 43-48).

Referring to claims 3, 9 and 15, Merrill discloses that the first interface includes

an agent displaying portion controlling an operation of the agent for display, a voice outputting portion outputting a voice output from the agent and a voice inputting portion inputting a voice of the user for extracting the request (column 2, lines 8-10, column 22, lines 43-65 and column 23, lines 1-4).

Referring to claims 7 and 13, Merrill discloses an agent display method displaying a personified agent for making the agent selectively perform a process (column 2, lines 7-13). Merrill discloses a first step of controlling display of the agent and inputting a request from a user (column 2, lines 39-42). Merrill discloses a second step of controlling an application program (column 5, lines 39-42). Merrill discloses a step of searching for an action script describing a procedure of controlling the first step and second step, the step of searching including searching for the action script in accordance with the request input in the first step, the action script searched for following the described procedures and first step controlling display of the agent to start the application program (column 27, lines 56-60). Merrill discloses a step of executing to control the application program through the second step (column 22, lines 26-30).

Referring to claim 19, Merrill discloses an agent display apparatus for displaying a personified agent (Figure 2). Merrill discloses a first interface for controlling the display agent and for receiving a request from a user, the interface represented as the input device interface, the device controlling the agent through user input (reference number 28, Figure 1). Merrill discloses a second interface for controlling an application program that control operation of an audio/visual appliance, the appliance being a computer representative of an audio/visual appliance that contains the application

program wherein the second interface would be the operating system that would allow for the control of the application within the computer appliance (Figure 3). Merrill discloses an action script database or storage mechanism for an action script (column 34, lines 45-50), the action script being configured to execute to control the appliance via the first interface and coordinate the display of the agent relative to operation of the appliance via the second interface (column 40, lines 1-50). Merrill discloses a search engine responsive to the request from the user for searching the action script database, wherein the script is accessed from the application server (column 40, lines 1-30).

Referring to claim 20, Merrill discloses that the first interface includes a voice input portion which recognizes a voice request from the user (column 25, line 25).

Referring to claim 21, Merrill discloses that the action script is configured whereby the coordinated display of the agent relative to the operation of the appliance with an audible report by the agent concerning the operation of the appliance (column 39, line 54).

Referring to claim 22, Merrill discloses that the appliance is a television (column 3, lines 50-60).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 5, 6, 11, 12, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merrill and U. S. Patent No. 6, 637, 029 B1 (Maissel et al.), herein referred to as Maissel.

Referring to claims 5, 11 and 17, Merrill does not disclose an accessing portion making an access to an electronic broadcast program list, and an extracting portion extracting a program interesting the user with reference to the broadcast program list accessed by the accessing portion, wherein the executing portion includes a controlling portion controlling the second interface for making the application program televise the program extracted by the extracting portion. Maissel discloses accessing an electronic broadcast program list (Figure 1). Maissel further discloses extracting a program interesting the user with reference to the broadcast program list (Figure 2). Maissel also discloses a controlling means for televising the program extracted (Figure 2). It would have been obvious for one skilled in the art at the time of the invention to learn from Maissel for an accessing portion making an access to an electronic broadcast program list, and an extracting portion extracting a program interesting the user with reference to the broadcast program list accessed by the accessing portion, wherein the executing portion includes a controlling portion controlling the second interface for making the application program televise the program extracted by the extracting portion. Merrill discloses that these animated characters are built for applications, wherein these animations can occur in any general type of application, wherein such a type of environment would be a broadcast program environment including components such as an electronic broadcast program list and wherein the animations would interact with the

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information that is currently displayed and would interact in the environment that is represented as the applications. Using Maissel's teachings of the electronic broadcast program system would enable Merrill to implement the animations in a specific application, wherein regardless the main teachings of this invention have been taught by Merrill and further stated that these animated characters are created for interaction with all applications in general, this including an electronic broadcast system. Hence, it would have been obvious for one skilled in the art, at the time of the invention to learn from Maissel for accessing portion making an access to an electronic broadcast program list, and an extracting portion extracting a program interesting the user with reference to the broadcast program list accessed by the accessing portion, wherein the executing portion includes a controlling portion controlling the second interface for making the application program televise the program extracted by the extracting portion.

Referring to claims 6, 12 and 18, Merrill and Maissel disclose that an extracting portion includes a storing portion acquiring and storing information on a program viewed by the user from the broadcast program list accessed by the accessing portion (Maissel, Figure 2) and a program extracting portion extracting a keyword from the information on the program stored in the storing portion for extracting a program which interests the user in accordance with the extracted keyword with reference to the broadcast program list (Maissel, Figure 5).

### ***Response to Arguments***

5. Applicant's arguments filed 9/14/05 have been fully considered but they are not persuasive.



Merrill discusses the use of the input devices or further input means for controlling the agent and used for user input thereby representing the first interface, wherein Merrill in column 12, lines 19-30 discloses an example of how cursor input is used in combination with the animation displayed.

In on of Merrill's embodiments, it is taught how an application with the animation is further controlled by the server, and animation systems. See column 40, lines 1-5. The audio/visual appliance also referred to is represented as the computer system, where the this appliance is external to various other components in the invention.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand

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carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.


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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai  
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Art Unit 2173  
December 12, 2005



**RAYMOND J. BAYERT**  
**PRIMARY EXAMINER**  
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